

Brutus 1

To the Citizens of the State of New York

Robert Yates

“a question ... upon which the happiness and misery of generations yet unborn is in great measure suspended”

“the most important question that was ever proposed to any people under heaven”

“This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends....”

“... a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these increasing in such rapid progression as that of the whole United States.”

Federalist 10

The Union as a Safeguard Against Domestic Faction & Insurrection (cont.)

Publius

(Madison)

“A rage for paper money, for an abolition of debts, for an equal distribution of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.”

“the rights of the minor party” vs. “the superior force of an interested and overbearing majority”

“Liberty is to faction what air is to fire.”

Federalist 51

The Structure of the Government Must Furnish the Proper Checks & Balances Between the Different Departments

Publius

(Madison)

“If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

Federalist 70

The Executive Department Further Considered

Publius

(Hamilton)

“Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy.”

“ ‘the executive power is more easily confined when it is ONE.’ ... all multiplication of the executive is rather dangerous than friendly to liberty.”

“Men often oppose a thing, merely because they have had no agency in planning it, or because it may have been planned by those whom they dislike. But if they have been consulted, and have happened to disapprove, opposition then becomes, in their estimation, an indispensable duty of self-love. They seem to think themselves bound in honor, and by all the motives of personal infallibility, to defeat the success of what has been resolved upon contrary to their sentiments.”

Federalist 78
The Judiciary Department
Publius
(Hamilton)

“According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices DURING GOOD BEHAVIOR; which is conformable to the most approved of the State constitutions and among the rest, to that of this State. Its propriety having been drawn into question by the adversaries of that plan, is no light symptom of the rage for objection, which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws.”

“Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. ... The judiciary ... has no influence over either the sword or the purse ... and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.”

"The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex-post-facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.”

“A constitution is, in fact, and must be regarded by the judges, as a fundamental law.”

“the inevitable tendency of such a spirit [of corruption] is to sap the foundations of public and private confidence, and to introduce in its stead universal distrust and distress.”